

efficiently for OHV use.

Procedures Required to Implement Alternatives Two and Three

In general, implementation of Alternative Two would not require any special procedures, other than for BLM to develop a plan for minimizing threats to human health and safety. Under the no action alternative, BLM could undertake only minimal activities to protect human health and safety but could not approve more active management actions.

Under Alternative Three, BLM would undertake more aggressive management of the properties requiring additional site-specific planning and environmental assessments. Virtually the same studies and consultations as Alternative One would be required, including those required under the Endangered Species Act and National Historic Preservation Act. If Cana Island is retained, BLM would prepare a transportation plan to analyze options for transporting people and goods into and out of the area.

Implementation Plan

Plan implementation will require completing many connected and sequential actions. This section describes these actions generally for all tracts and specifically for each parcel. There is no time-table for completing the actions. Due to budgetary constraints, it is necessary to place priorities on which properties should receive the earliest attention for processing. To this end, the priorities are as designated as **A, B, C**, with **A** designations receiving the top priority and **C** the lowest.

For some of the parcels, BLM may need to be conduct additional studies or undertake negotiations with affected parties to resolve issues identified during the implementation phase. It is BLM s intent, however, to divest itself of these properties as quickly as possible.

All actions will be preceded by publication of a classification order to be published in the Federal Register before BLM can make the land available for transfer. For the lighthouse properties, BLM will publish a public land order (PLO) in the Federal Register to restore the land to the operation of the public land laws. The PLO will enable another federal agency to take over jurisdiction of the land or allow BLM to transfer the land to a non-federal entity. All PLO s must be signed by the Assistant Secretary of the Interior.

	Additional Studies/Actions Prior to Final Decision
Bayfield County	
Perry Lake Priority C	<ol style="list-style-type: none"> 1. Request application(s) 2. Sec. 106 (National Historic Preservation Act) Consultation 3. Sec. 7 (Endangered Species Act) Consultation 4. Environmental Assessment (EA) 5. Appraisal (for public sale only) 6. Complete realty actions
Lake Osborn Priority C	<ol style="list-style-type: none"> 1. Request application(s) 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal (for public sale only) 6. Complete realty actions
Door County	
Cana Island Priority A	<ol style="list-style-type: none"> 1. Request application(s) 2. Transportation/Access Plan 3. Archaeological Survey 4. Sec. 106 Consultation 5. Sec. 7 Consultation 6. Hazardous materials clearance 7. EA 8. Complete realty actions
Eagle Bluff Priority A	<ol style="list-style-type: none"> 1. Request application(s) 2. Archaeological Survey 3. Sec. 106 Consultation 4. Sec. 7 Consultation 5. EA 6. Complete realty actions
Pilot Island Priority B	<ol style="list-style-type: none"> 1. Request application(s) 2. Archaeological Survey 3. Sec. 106 Consultation 4. Sec. 7 Consultation 5. EA 6. Complete realty actions
Plum Island Priority A	<ol style="list-style-type: none"> 1. Request application(s) 2. Archaeological Survey 3. Sec. 106 Consultation 4. Sec. 7 Consultation 5. EA 6. Complete realty actions

Langlade County Priority C	1. Phase I Cultural Resources Assessment 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal (for public sale only) 6. Complete realty actions
Oneida County Lily Lake Priority C	1. Sec. 106 Consultation 2. Phase I Cultural Resources Assessment 3. Sec. 7 Consultation 4. EA 5. Appraisal (for public sale only) 6. Complete realty actions
Vilas County	
Big Lake Priority C	1. Phase I Cultural Resources Assessment 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal (for public sale only) 6. Complete realty actions
Pickerel Lake Priority C	1. Phase I Cultural Resources Assessment 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal (for public sale only) 6. Complete realty actions
Waupaca County Priority C	1. Phase I Cultural Resources Assessment 2. Sec. 7 Consultation 3. EA 4. Appraisal (for public sale only) 5. Complete realty actions

Table 3. Implementation plan actions.

Notes: As requested by the State Historic Society of Wisconsin (SHSW), Phase I cultural resource assessments and archaeological surveys are required by the National Historic Preservation Act (NHPA) on proposed transfers of land from Federal ownership. If it is determined that a particular tract is suitable for transfer through a withdrawal to another Federal agency this requirement will be waived. For tracts that may be transferred to State or local government agencies, BLM will conduct the surveys and use the information accordingly in its decisionmaking process regarding the disposition of the tract. Cultural resource surveys may also be conducted on tracts identified for sale, but the cost may need to be borne by applicants.

BLM will continue to engage the SHSW and Native American Tribes in discussions with respect to our responsibilities under the Native American Graves Protection and Repatriation

Act, the American Indian Religious Freedom Act, the Archaeological Resource Protection Act and the NHPA.

BLM will ensure that eligible or potentially eligible historic properties receive adequate protection under the NHPA. Any transfers of historic properties will carry with them certifiable guarantees that the properties are preserved in place. To avoid adverse effects to the properties, BLM will require potential recipients (and any third-party lessees) to file a preservation plan developed pursuant to the National Park Service's Historic Surplus Program. The preservation plan will have three components: (1) an Architectural Plan; (2) a Use Plan; and (3) a Financial Plan.

The SHSW has requested that BLM survey and evaluate under 36 CFR 800.4 Cana, Plum and Pilot Islands for possible inclusion into historic districts.

BLM will enter into Section 7 of the Endangered Species Act (ESA) consultations with the USFWS on tracts that may have suitable habitat for the occurrence of listed or potentially eligible threatened or endangered (T&E) plant and animal species. This consultation will occur *after* BLM receives applications for the properties as it would enable the government to determine what, if any, mitigation would be necessary to protect T&E species based on the proposed use. BLM will not sell or transfer properties before this consultation is completed.

All of the properties will, at a minimum, have site clearances conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. Some of the sites, notably Plum and Pilot Islands, have had environmental site assessments conducted already and are awaiting remediation from the toxic materials found on-site.

Cana Island has a minor contamination problem which may affect its groundwater supply. The Coast Guard has scheduled a clean up at the island to occur sometime during 2001.

BLM will prepare site-specific environmental assessments (EAs) prior to issuing decisions on the disposition of the properties. The proposed actions for these EAs will be linked to external proposals from other Federal agencies, State and local governmental agencies and individuals. BLM will accept applications from only those entities and individuals deemed appropriate in this plan (see Table 2).

Appraisals to determine fair market value will be conducted only after it has been determined that a particular parcel is approved for public sale. Thus, even if an appraisal is noted for a particular tract, that should not be construed as meaning the property will be sold, only that if it is decided that sale is appropriate an appraisal must first take place.

This list of administrative implementation actions is not exhaustive. The results of consultations and the studies and surveys noted may require additional work, such as archaeological digs or other information gathering.

Appendix 1 - Native American Consultation and Coordination

The tribes contacted were all those which have tribal lands in the state of Wisconsin identified on the "Indian Tribes 1992" map published by the U.S. Geological Survey. One tribe from Michigan was contacted because its lands lie adjacent to Wisconsin. The State Historical Society of Wisconsin also provided a list of names of tribal historic preservation officers, repatriation representatives and tribal chairmen that should be contacted as required by the National Historic Preservation Act of 1966, as amended, and the National Environmental Policy Act of 1969.

In all, thirteen tribes received letters from BLM requesting information regarding their knowledge of cultural resources important to the tribes. These letters were followed-up by telephone calls to the addressees. Some of these contacts recommended other people who should receive the letters as well. BLM also sent these individuals copies of the letters.

All of the contacts requested that BLM continue to send information regarding the plan and disposition of the properties.

Appendix 2 - Legal Descriptions of Affected Properties

The parcels included in the approved plan are legally described as follows:

Bayfield County

Perry Lake (Town of Cable)

Township 43 North, Range 7 West, Section 17, Lot 11; 16.27 acres.

Lake Osborn (Town of Grandview)

Township 45 North, Range 6 West, Section 33, Lots 8-12; 62.3 acres.

Door County

Cana Island Lighthouse (Town of Baileys Harbor)

Township 30 North, Range 28 East, Section 11, Tract 37; 9.06 acres.

Eagle Bluff Lighthouse (Town of Gibraltar)

Township 31 North, Range 27 East, Section 17, NW Fractional Corner; 1.0 acre.

Pilot Island Lighthouse (Town of Washington)

Township 32 North, Range 29 East, Section 1, NENW; 3.2 acres.

Plum Island Lighthouse (Town of Washington)

Township 33 North, Range 29 East, Section 26, Lots 1&2; Section 27, Lots 1, 2, and 3; 325 acres.

Langlade County

Lower Bass Lake (Town of Upham)

Township 33 North, Range 10 East, Section 25, Lot 17; 1.18 acres.

Oneida County

Lily Lake (Town of Crescent)

Township 36 North, Range 8 East, Section 22, Lot 12; 32.47 acres.

Vilas County

Big Lake (Town of Presque Isle)

Township 43 North, Range 6 East, Section 33, Lots 7 and 8; 56.23 acres.

Pickrel Lake (Town of Cloverland)

Township 40 North, Range 9 East Section 4, Lots 8 and 9; 63.66 acres.

Waupaca County

Clintonville (Town of Matteson)

Township 25 North, Range 15 East, Section 2 SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres.

Total 610.37 acres.

Appendix 3 - Disposal Criteria from 1985 Wisconsin RMP (verbatim)

1. Disposal Criteria

All BLM surface tracts are categorized for disposal and will be evaluated on a tract-by-tract basis against the following set of criteria:

- a. Where possible, the preferred method of disposal will be by transfer to another public agency or non-profit body. (The exception would be in cases where an applicant fails to acquire a parcel under the Color-of-Title Act and wishes to purchase the land under a FLPMA sale.)
- b. Where site-specific analysis reveals no interest by another public or non-profit body, BLM tracts may be offered through sale or exchange to a private body. Tracts will be retained under BLM administration only where management and no other public or non-profit body is available or willing to assume jurisdiction. Preference for sale or transfer may be readjusted based on policy changes, as well as on site-specific analysis. If additional BLM surface tracts are discovered in the future, they will also be evaluated and categorized for disposal, through the RMP amendment process.

2. Implementation Actions

The following actions will be necessary to implement this alternative:

- a. Subsequent to plan approval, each tract (or related groups of tracts) will be evaluated for an on-site inspection and evaluation of renewable resource values and uses, resolution of occupancy or title conflict situations if any, and potential transfer or sale. Sale terms and deed restrictions, if necessary, will reference applicable local or State land use requirements.
- b. Any unauthorized use (occupancy), color-of-title or title conflict situation will have to be resolved prior to any other implementing action.
- c. A land report will be prepared for each tract to present findings and recommend a preferred transfer option. The various transfer options available include:
 - Recreation and Public Purposes Act lease or sale;
 - Withdrawal on behalf of another Federal agency;
 - Exchange between another Federal agency and a third party (private,

state or local government);
Color-of-title claimants who satisfy the requirements of the color-of-title act; and
Public sale (under Sec. 203, FLPMA).

- d. A site-specific environmental analysis will be prepared for each tract (or related groups of tracts) to evaluate the potential effects of the preferred transfer option and reasonable alternatives. Copies of the environmental analyses will be made available to interested parties on a request basis.
- e. Prior to any transfer, a Notice of Realty Action will be published in the Federal Register and general circulation newspapers to provide public notice and opportunity to comment on the action.

3. Retention Criteria

Areas where disposal of the surface would unnecessarily interfere with the logical development of the mineral estate, e.g., surface minerals, coal, phosphate, known geologic structures, etc.

Public lands withdrawn by BLM or another Federal agency for which the purpose of the withdrawal remains valid.

Glossary/Abbreviations

ACEC	Area of critical environmental concern
AIRFA	American Indian Religious Freedom Act of 1978, as amended (42 U.S.C. 1996)
ARPA	Archaeological Resources Preservation Act of 1979 (16 U.S.C. 470)
BCPL	Board of Commissioners of Public Lands (State of Wisconsin)
BER	Bureau of Endangered Resources (Wisconsin DNR)
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9615)
CFR	Code of Federal Regulations
COT	Color-of-Title (Act of December 22, 1928, as amended; 43 U.S.C. 1068)
CZMA	Coastal Zone Management Act of 1972 (16 U.S.C. 1451)
DNR	Department of Natural Resources (State of Wisconsin)
DR	Decision Record
EA	Environmental Assessment
ESA	Endangered Species Act of 1973 (16 U.S.C. 1531 seq.)
FLPMA	Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701)
FMV	Fair market value
FONSI	Finding of No Significant Impact
FR	Federal Register
NAGPRA	Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)
NEPA	National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321)
NHPA	National Historic Preservation Act of 1966, as amended (16 U.S.C. 470)
NWR	National Wildlife Refuge
PSD	Prevention of Significant Deterioration
R+PP	Recreation and Public Purposes Act of 1926, as amended (43 U.S.C. 869)
RMP	Resource Management Plan
SHSW	State Historical Society of Wisconsin
USCG	United States Coast Guard
USDA	United States Department of Agriculture
USFWS	U.S. Fish and Wildlife Service

Decision Record

Decision: It is my decision to select Alternative One from the Wisconsin Proposed Resource Management Plan Amendment as the preferred management alternative. The preferred alternative to transfer the properties identified in Appendix 2 of this Approved RMPA pending site-specific environmental reviews under the National Environmental Policy Act (NEPA).

Rationale: Two other alternatives were considered during the planning process: Alternative Two, or the no action alternative, and Alternative Three, in which BLM would retain and actively manage some or all of the properties. Although neither of these alternatives were not chosen as the preferred alternative, if no qualified entity applies for the properties, or if site-specific EA s reveal that impacts of transfer would undue or unnecessary degradation to the environment, BLM has the authority and discretion to retain any of the parcels. BLM does not anticipate implementing Alternative Two (no action) because it is believed that the impacts would be too great to the environment or to the historic and cultural resources found on them.

The decision to choose Alternative One will not result in undue or unnecessary degradation to the environment and is in conformance with all applicable laws, programs and policies.

Recommended by:

James W. Dryden
Field Manager, Milwaukee Field Office

Date

Approved by:

Gayle F. Gordon
State Director, Eastern States Office

Date

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